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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,245	12/20/2000	Kiyoshi Oike	917-046	8059

7590 07/23/2004

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EXAMINER

MEUCCI, MICHAEL D

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 07/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/742,245	<b>Applicant(s)</b> OIKE, KIYOSHI	
	<b>Examiner</b> Michael D Meucci	<b>Art Unit</b> 2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)<br>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)<br>3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____<br>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)<br>6) <input type="checkbox"/> Other: _____ |
|---|--|

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Specification***

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because it exceeds the 50-150 word range. Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 1 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not

described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

a. Lines 24-25 of claim 1 specify: "the information is optionally and automatically distributed," which does not comply with the enablement requirement. The information cannot be optionally distributed if it is automatically distributed and vice versa. For the purpose of applying art, the examiner will presume that the information is optionally distributed, automatically distributed, or a combination of the two, wherein there exists an option to distribute the information automatically. Appropriate correction and clarification is required.

b. Lines 5-10 of the claim specify: "the registration of password is executed in an information storage box of the individual such as an original home page that has been built up on a network such as an internet, thereby creating one's own diary and one's own mail box." It is unclear as to how the registration of a password "thereby creates a diary and mailbox." The written disclosure provides no insight as to how this occurs. For the purpose of applying art, the examiner will presume that an account is set up upon password registration by intermediate steps of some form. Appropriate correction is required.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 1 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. Claim 1 recites the limitation "the registration" on line 5. There is insufficient antecedent basis for this limitation in the claim.
- b. The phrase "such as" on line 6 and on lines 7-8 render the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).
- c. Lines 5-10 of the claim specify: "the registration of password is executed in an information storage box of the individual such as an original home page that has been built up on a network such as an internet, thereby creating one's own diary and one's own mail box." It is unclear as to how the registration of a password "thereby creates a diary and mailbox." The written disclosure provides no insight as to how this occurs. Appropriate correction is required.
- d. Claim 1 recites the limitation "the information" on lines 13-14, line 19, line 20, and line 24. There is insufficient antecedent basis for this limitation in the claim.
- e. Claim 1 recites the limitation "the designation date" on line 17. There is insufficient antecedent basis for this limitation in the claim.
- f. Claim 1 recites the limitation "the recorded designation date" on line 18. There is insufficient antecedent basis for this limitation in the claim.
- g. Claim 1 recites the limitation "the retrieval" on line 21. There is insufficient antecedent basis for this limitation in the claim.
- h. Claim 1 recites the limitation "the designated data" on line 22. There is insufficient antecedent basis for this limitation in the claim. Examiner believes the

applicant meant to specify "the designated date" in this place, which also lacks antecedent basis in the claim.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-7 and 9-11 rejected under 35 U.S.C. 102(b) as being anticipated by Johnson et al. (U.S. 5,813,009) hereinafter referred to as Johnson.

a. As per claim 1, Johnson teaches: the registration on a password is executed is executed in an information storage box of the individual (lines 53-55 of column 3); creating diary and mail box relevant to the password for entering future information of short or long term (lines 63-67 of column 18 – lines 1-9 of column 19); the password is required to be input on an occasion of inputting or outputting any information thereafter (lines 49-51 of column 7); a recorded date is input in the diary and the information occurred on the recorded date is described in the column of the recorded date (lines 40-44 of column 7); a designated future distribution date is input in the mail box and the information on the designation date is described in the column of the recorded designation date (lines 47-49 of column 7 and lines 46-51 of column 20); the information thus described is transmitted to the information storage box to store the information therein (lines 47-49 of column 7 and lines 46-51 of column 20); the retrieval and distribution of information of the designated data from the information storage box is

designed to be received by the diary (lines 63-67 of column 18 – lines 1-9 of column 19); and the information is optionally and automatically distributed from the information storage box on a designated distribution day which is stored in the mail box (lines 47-49 of column 7 and lines 46-51 of column 20).

b. As per claim 2, Johnson teaches: means for storing information (lines 50-54 of column 13); diary means for inputting and retrieving information related to a specific past, present, or future date from said means for storing information (lines 32-56 of column 7); and mailbox means for inputting information related to a specific future date into said means for storing said information (lines 2-7 of column 19).

c. As per claim 3, Johnson teaches: registering a password to gain access to a means for storing information (lines 53-55 of column 3); automatically creating a diary means for inputting and retrieving information related to a specific past, present, or future date upon registration of said password (lines 53-55 of column 3 and lines 15-35 of column 30); and automatically creating a mailbox means for inputting information related to a specific future date upon registration of said password (lines 53-55 of column 3 and lines 15-35 of column 30).

d. As per claim 4, Johnson teaches: restricting subsequent access to said diary means for inputting and retrieving information related to a specific past, present, or future date and said mailbox means for inputting information related to a specific future date by use of said password (lines 56-62 of column 29).

e. As per claim 5, Johnson teaches: maintaining on a computer network said means for storing information, said diary means for inputting and retrieving information

related to a specific past, present, or future date, and said mailbox means for inputting information related to a specific future date (lines 32-56 of column 7).

f. As per claim 6, Johnson teaches: adapting said diary means for inputting and retrieving information related to a specific past, present, or future date to receive an inputted past or present date and information related specifically to said past or present date (lines 16-19 of column 12).

g. As per claim 7, Johnson teaches: said inputted past or present date and information related specifically to said past or present date are automatically stored on said means for storing information (lines 36-46 of column 1).

h. As per claim 9, Johnson teaches: adapting mailbox means for inputting information related to a specific future date to receive an inputted future date and inputted information related specifically to said future date (lines 63-67 of column 18 – lines 1-9 of column 19).

i. As per claim 10, Johnson teaches: automatically storing inputted future date and information related specifically to said future date on means for storing information (Abstract and lines 63-67 of column 18 – lines 1-9 of column 19).

j. As per claim 11, Johnson teaches: automatically outputting and displaying information related to future date on diary means for inputting and retrieving information related to past, present, or future date upon the occurrence of said future date (Abstract and lines 63-67 of column 18 – lines 1-9 of column 19).



***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson as applied to claim 6 above, in view of Barr et al. (U.S. 5,182,705) hereinafter referred to as Barr.

As per claim 8, Johnson does not teach: inputting said past or present date; and automatically outputting and displaying information related to said past or present date on said diary means for inputting and retrieving information related to a past, present, or future date. However, Barr discloses: "The ability to 'diary' a claim which requires subsequent activity is an integral facet of the loss adjustment process. The diary is a personal diary, determined by the operator's User ID. It has the capability to record a specified date for action on a claim, to display that claim at the appropriate time and to "redialy" as needed. When an LPT is processed, the system automatically sets the diary date for the supervisor according to Staff Table parameters. This date is predetermined based on the type of claim and the experience level of the handler but can be overridden if necessary. The diary is formatted by staff member for each day of the year on which a claim has been placed on the diary. A Diary Listing screen, shown in Table LVIII, displays all claims diared for a specified day. The date displayed

defaults to the current date, but future diary dates can also be accessed," (lines 64-68 of column 56 - lines 1-12 of column 57).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to input said past or present date; and automatically outputting and displaying information related to said past or present date on said diary means for inputting and retrieving information related to a past, present, or future date. "The ability to "diary" a claim which requires subsequent activity is an integral facet of the loss adjustment process," (lines 64-66 of column 56 in Barr). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to input said past or present date; and automatically outputting and displaying information related to said past or present date on said diary means for inputting and retrieving information related to a past, present, or future date.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Levine (U.S. 4,162,610) discloses and electronic calendar and diary.

Griffin et al. (U.S. 5,303,145) discloses method and apparatus for meeting confirmation in a data processing system.

Cahill, Jr. (U.S. 5,428,784) discloses method and apparatus for linking electronic mail and an electronic calendar to provide a dynamic response to an electronic mail message.

Abbruzzese et al. (U.S. 5,557,515) discloses computerized system and method for work management and logging and diary.

Ooki et al. (U.S. 5,822,518) discloses method for accessing information and passwords.

Sankar (U.S. 5,867,822) discloses method and apparatus for management of electronic calendars throughout an enterprise and management of events in a distributed system.

Schuetze (U.S. 5,968,117) discloses device and system to facilitate accessing electronic mail from remote user-interface devices.

Van Der Meer (U.S. 6,295,639 B1) discloses securely accessing a file system of a remote server computer and displaying a diary page for a specific date.

Gough et al. (U.S. 6,360,221 B1) discloses method and apparatus for the production, delivery, and receipt of enhanced e-mail.

Heinonen et al. (U.S. 6,728,530 B1) discloses calendar-display apparatus, and associated method, for a mobile terminal.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Meucci at (703) 305-1382. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey, can be reached at (703) 305-9705. The fax phone number for this Group is (703) 308-5358.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [michael.meucci@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Group receptionist whose telephone number is (703) 305-3900.

  
JACK B. HARVEY  
SUPERVISORY PATENT EXAMINER